

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

**FILED/REC'D**

UNITED STATES OF AMERICA

**2023 OCT 11 PM 2:04**

SEALED INDICTMENT

v.

**CLERK OF COURT  
U.S. DISTRICT COURT  
WD OF WI**

23-cr-105-jdp

SETH W. FAGAN,

18 U.S.C. § 2251(a)

18 U.S.C. § 875(d)

18 U.S.C. § 2252(a)(2)

Defendant.

THE GRAND JURY CHARGES:

COUNT 1

On or about October 26, 2022, in the Western District of Wisconsin, the  
defendant,

SETH W. FAGAN,

knowingly and intentionally used, persuaded, induced, and coerced a minor, Known  
Victim #1, to engage in sexually explicit conduct for the purpose of producing a visual  
depiction of such conduct, using materials that had previously been transported in  
interstate and foreign commerce, specifically, FAGAN used an Apple iPhone 14 to  
produce a visual depiction, a video captured on October 26, 2022, of Known Victim #1  
engaged in sexually explicit conduct.

(In violation of Title 18, United States Code, Section 2251(a)).

COUNT 2

On or about October 26, 2022, in the Western District of Wisconsin, the  
defendant,

SETH W. FAGAN,

with the intent to extort a thing of value from Known Victim # 1, knowingly transmitted in interstate commerce communications containing threats to injure the reputation of Known Victim #1.

(In violation of Title 18, United States Code, Section 875(d)).

COUNT 3

On or about January 16, 2023, in the Western District of Wisconsin, the defendant,

SETH W. FAGAN,

knowingly received a visual depiction using a facility of interstate commerce, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and the depiction is of such conduct. Specifically, FAGAN received an image sent via Snapchat, a video with a file name ending in IAEYAE~v4.zip.mp4 from Known Victim # 2 depicting Known Victim # 2 engaged in sexually explicit conduct.

(In violation of Title 18, United States Code, Section 2252(a)(2)).

FORFEITURE ALLEGATION

As a result of the offense charged in Counts 1 and 3 of this indictment, and upon conviction for violating Title 18, United States Code, Sections 2251(a) and 2252(a)(2), pursuant to Title 18, United States Code, Section 2253, the defendant,

SETH W. FAGAN,

shall forfeit to the United States his right, title, and interest in the following:

(1) Any and all visual depictions which contain images which are or appear to be child pornography, together with the storage media in which they are contained, and

(2) Any and all property used or intended to be used to commit or to promote the commission of the aforementioned offense, including property specifically described as:

a. Cricket Wireless Android Cell IMEI 3560061010590103

b. Apple iPhone, IMEI number 358832599282815

A TRUE BILL

  

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PRESIDING JUROR

Indictment returned: 10/11/2023

  

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TIMOTHY M. O'SHEA  
United States Attorney